

Amherst Charter Commission Fiscal Year 2002

On April 3, 2001, the voters of Amherst created a charter commission under the provisions of the Home Rule amendment to the Massachusetts constitution. At the same election the voters chose nine members to serve on the commission: H. Oldham Brooks, Stanley Durnakowski, Gordon Fletcher-Howell, Joan R. Golowich, Bryan C. Harvey, Gerald Jolly, James D. Pitts III, Martha Spiegelman, and Zina Tillona.

The commission's charge was to examine all aspects of the way in which local government in Amherst is organized, and to recommend any changes the commission might feel desirable directly to the voters. Under law, the commission had eighteen months to complete its work, with a vote on any proposed changes to occur in April 2003.

At its first meeting, the commission elected Bryan C. Harvey as chair, James D. Pitts III as vice-chair, and Joan R. Golowich as clerk. An initial public hearing was held on May 15, 2001, which was attended by approximately eighty residents who voiced opinions on a wide range of issues related to local government. The commission met regularly throughout 2001-02, and most of its meetings were televised on ACTV.

Several of the commission's meetings during its first nine months were devoted to in-depth discussions of specific topics: Town Meeting; the Select Board; and the Town Manager. Members of the commission conducted research into forms of government in other communities, submitted position papers and other written statements, and developed specific questions for exploration with legal and other experts. The commission spent one evening discussing legal and policy issues with Marilyn Contreas, the resident expert on the charter process at the state Department of Housing and Community Development.

Having had the opportunity to hear each other's views and receive answers to some pertinent legal questions, by February of 2002 a majority of the commission had developed some preliminary views on the form of government that seemed to them best suited to Amherst. They agreed that they wanted to present their thinking to the community as a whole and to solicit feedback to help guide them as they moved forward in drafting a concrete proposal.

The commission therefore issued a status report in February 2002 which was published in the Amherst *Bulletin* and the *Massachusetts Daily Collegian*. The report showed data on long-term trends in the representative town meeting, and reported that a majority of the commission's members "have expressed deep concern over what they see as a widening gap between Town Meeting's promise and its practice." Concerns centered on participation, representation, accountability, contention and consensus, and effectiveness and efficiency. The report concluded by noting that the majority of the commission was "concerned by the trend and seriously considering whether the time has come to change from a Town Meeting to a Council form of government." The report was endorsed by

seven members — Durnakowski, Fletcher-Howell, Golowich, Harvey, Jolly, Pitts, and Tillona — with two members, Brooks and Spiegelman, dissenting.

The commission invited the public to attend an open meeting on the report and related issues on February 26, 2002. As was the case with the first hearing, this meeting was attended by approximately eighty residents, including many of the same individuals who had attended the initial public hearing. Some supported retention of town meeting, others endorsed the idea of a council, and others made comments relating to other aspects of town government.

The remainder of the winter and spring of 2002 were spent in intensive discussions of both the legislative and executive functions. Shortly after the public meeting in February the commission voted, by the same majority described above, to recommend replacing town meeting with a council, and considerable discussion of the council's composition and role ensued. The commission majority also reached tentative agreement on recommending replacing the select board with a mayor, but it was not until the end of June that the majority agreed on retaining a town manager and establishing a mayor as the chief executive officer with broad policy responsibilities.

Bryan C. Harvey, chair